



Forest Heights Police Department Policy and Procedures Manual

Subject:	Firearms Use in Maryland and Other States		
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A. Purpose

To provide Forest Heights Police Department (FHPD) officers with guidance on the use of firearms.

B. Policy

Officers will use firearms in accordance with this policy.

C. An officer may discharge a firearm:

1. when deadly force is permitted in accordance with Chapter 14 Section 3 Use of Force;
2. to kill a dangerous animal that is jeopardizing the safety of the public or a trooper;
3. to kill an injured wild animal to relieve its' suffering;
4. to give an alarm or to call assistance when no other means is available;
5. when used in practice on a firing range; and
6. to kill an injured domesticated animal to relieve its' suffering if the officer has:
 - a. the consent of the owner;
 - b. been requested to do so by a veterinarian; or
 - c. made a reasonable attempt to locate the owner and has failed and a veterinarian is not readily available.

D. Firearm Use Prohibited

1. Officers will not discharge a firearm:
 - a. as a warning;
 - b. in any felony case which does not meet the conditions set forth in Chapter 14 Section 3 Use of Force;
 - c. in any attempt to apprehend a misdemeanor;
 - d. at or from a moving vehicle except:
 - (1) as a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle;
 - (2) when all conditions regarding a fleeing felon in Chapter 14 Section 3 are present; and
 - (3) when a vehicle is driven in a manner deliberately intended to kill or severely injure a n officer or citizen who is on foot.
2. Officers must reasonably anticipate a situation justifying the use of a firearm before removing it from its holster or otherwise displaying it.
3. Under no circumstances will officers display a firearm in a flagrant manner or in any manner which is unsafe or would invite unfavorable comment from the public.
4. Officers will use prudence and good judgment when carrying firearms at any activity where he will be consuming alcoholic beverages.
5. The use or display of firearms in circumstances other than those described in this policy is prohibited.

E. Officers with Administrative Issues

Officers with outstanding administrative issues with the Maryland Police and Correctional Training Commissions (MPCTC) will be evaluated by the FHPD Chief on a case by case basis regarding the Chief authorizing them to carry a firearm while on-duty and off-duty.

F. Carrying and Using a Firearm Outside of Maryland While On Duty

1. The authority to carry a firearm while on-duty outside of Maryland is governed by federal laws and the laws of the other state and District of Columbia.
2. The authority to use a firearm, and any liability which may arise from such use, are governed by the laws of the other state and the District of Columbia.
3. The qualified immunity from civil liability that is applicable to officers and the FHPD under the Maryland Local Government Tort Claims Act does not apply to actions taken outside of Maryland.
4. While on official duty outside Maryland, officers will only carry or use their FHPD-issued firearm.
5. An officer intending to carry a firearm outside of Maryland on official duty must know and abide by the relevant law of the states in which he expects to travel.
6. The Maryland State Police (MSP) Headquarters Duty Officer (DO) compiles catalogs and maintains current laws governing such action for each state and the District of Columbia, and will provide such information upon request to the FHPD. The MSP DO may be contacted at 410-486-3101.

G. Carrying and Using a Firearm Outside of Maryland While Off Duty

1. [18 U.S.C. § 926\(B\)](#) authorizes off-duty law enforcement officers to carry a firearm outside of the state in which the agency they are employed is located.
2. An off-duty officer carrying a firearm outside of Maryland will carry his FHPD identification card.
3. Officers who, while in an off-duty status, are outside the state of Maryland and elect to carry a firearm will not carry a FHPD-issued firearm under any circumstance.
4. An off-duty officer who elects to carry a firearm outside of Maryland:
 - a. will carry his FHPD identification card;
 - b. does NOT have law enforcement powers outside of Maryland; and
 - c. will be considered a private citizen in all aspects of firearm use outside of Maryland.